

REMARKS

The following remarks herein are responsive to the Office Action mailed on December 06, 2005. In a telephone conversation on 6/6/06, the Examiner has indicated that the present communication will be treated as responding to a non-final office action. Claims 1-37 are pending in this application. Dependent claims 7, 19 and method claims 25-37 have been provisionally canceled by a prior communication and dependent claims 8 and 20 have been previously amended to correct for dependency informalities. In the present communication, claim 1 has been amended to address the new rejections posed by the Examiner. By the following remarks, the pending claims are now believed to be in condition for allowance and are presented for reconsideration.

Accordingly, remaining pending claims 1-6, 8-18, and 20-24 are presented for examination and are believed to be in condition for allowance in light of the amendments and remarks infra. Support for the amendments can be found, inter alia, in Applicants' specification and original claims. Also accompanying this communication is a petition to extend the prosecution on this matter for three months and the appropriate fee.

Discussion of the Office Action

In the Office Action of December 06, 2005, the Examiner objected to the Specification under 35 U.S.C. §132(a) because "it introduces new matter" relating to the description of "folded geometry" and "square geometry," she rejected claims 1, 5-6, and 8-11 under 35 U.S.C. §103(a) as being anticipated by Ezra et al. (U.S. Patent No.

5,703,717) in view of Cheysson et al. (U.S. Patent No. 4,874,214), she rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Ezra et al. (U.S. Patent No. 5,703,717) in view of Cheysson et al. (U.S. Patent No. 4,874,214) and further in view of Mantradavi et al. (U.S. Patent No. 5,206,499), and she rejected claims 3-4 under 35 U.S.C. §103(a) as being unpatentable over Ezra et al. (U.S. Patent No. 5,703,717) in view of Cheysson et al. (U.S. Patent No. 4,874,214) as applied to claims 1, 5-6 and 8-11, and further in view of Biles et al. (U.S. Patent No. 5,355,188).

Objection to the Specification

As set forth above, the Examiner objected to the Specification under 35 U.S.C. §132(a) because "it introduces new matter" relating to the description of "folded geometry" and "square geometry," Applicant submits that the matter at issue were introduced in response to the office action of 03/31/05, wherein the Examiner objected to the specification because, ""there is no description of "folded geometry" and "square geometry".

Applicant respectfully submits that such "matter" introduced in the previous communication is well understood by one of ordinary skill in the art of optics and in particular, in autostereoscopic viewing systems, and Applicant was merely responding to the Examiner's request to supply a description. However, should the Examiner find the matter to still be unacceptable, Applicant reminds the Examiner of the following:

Under MPEP §2163.07, "The claims as filed in the original specification are part of the disclosure. In addition, MPEP §2164 states, " ...the fact that an additional limitation to a claim may lack descriptive support in the

disclosure as originally filed does not necessarily mean that the limitation is also not enabled. In other words, the statement of a new limitation in and of itself may enable one skilled in the art to make and use the claim containing that limitation even though that limitation may not be described in the original disclosure." MPEP §2164 further states, "...when the subject matter is not in the specification portion of the application as filed but is in the claims, the limitation in and of itself may enable one skilled in the art to make and use the claim containing the limitation."

Therefore, Applicant respectfully submits that at the very least, the objection to description of "folded geometry" and "square geometry" should be removed based on MPEP §2163.07, and MPEP §2164 as shown above, and that the matter introduced in response to the Examiner's objection on 3/31/05 is respectfully requested to stand as it does not introduce "New Matter" based on the original claims.

Rejection of claims 1, 5-6, and 8-11 under 35 U.S.C. §103(a)

As set forth above, claims 1, 5-6, and 8-11 stand rejected under 35 U.S.C. §103(a) as being anticipated by Ezra et al. (U.S. Patent No. 5,703,717) in view of Cheysson et al. (U.S. Patent No. 4,874,214). Applicant must respectfully traverse such a rejection.

Under §MPEP 2142, to establish a *prima facie* case of obviousness:

"The prior art reference (or references when combined) must teach or suggest all the claim limitations."

Moreover, under MPEP §2143.03:

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.”
In re Royka, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974). Applicant respectfully traverses such a rejection.

Regarding independent claim 1, The Examiner states, “Ezra et al. (US Patent Number 5,703,717) discloses: “an autostereoscopic projection viewer comprising one or more pairs of respective projector lenses (Figure 5, element 28) configured to correspond to one or more pairs of respective projection displays (Figure 5, element 31); and a field lens (Figure 5, element 37), wherein said field lens (Figure 5, element 37) is arranged at a predetermined distance from said projector lenses and said image corrector plate to produce one or more predetermined magnified stereoscopic aberration corrected images of said projection displays (column 4, line 64 through column 5, line 7) at predetermined one or more pairs of optical eyezones (Figure 5, element 31).” The Examiner then states that Ezra et al. teach the salient features of the present invention as explained above, except an image corrector plate, wherein said image corrector plate is capable of correcting for predetermined optical aberration. Cheysson et al. (US Patent Number 4,874,214) disclose an image corrector plate (i.e. holographic plate; column 4, line 25), wherein said image corrector plate (i.e. image corrector plate) is capable of correcting for predetermined optical aberrations (column 4, lines 25-27).” The Examiner then states, “It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the image corrector plate disclosed by Cheysson et al. in combination with the projector lenses from Ezra et al.’s

invention for the purpose of minimizing aberrations (Cheysson et al., column 2, lines 19-20).” Applicant must respectfully traverse such a rejection in light of the amendment to claim 1.

Applicant’s amended claim 1 is as follows:

An autostereoscopic projection viewer, comprising:

one or more pairs of projector lenses configured to correspond to one or more pairs of respective projection displays,

an image corrector plate arranged about an image plane of each said pair of projector lenses, wherein said image corrector plate is **adapted to optimize two or more optical parameters selected from: chromatic dispersion, predetermined phase perturbation, and eyebox projector optimization;** and

a field lens, wherein said field lens is arranged at a predetermined distance from said projector lenses and said image corrector plate to produce one or more predetermined magnified stereoscopic aberration corrected **and optimized** images of said projection displays at predetermined one or more pairs of optical eyezones.

Applicants respectfully submit that **Ezra et al.** alone or in combination with Cheysson **does not disclose nor suggest** the highlighted (i.e., bolded) portions of amended claim 1 as disclosed and claimed by Applicant. The Examiner, as set forth above, states that Ezra et al. teach the salient features of the present invention “**except an image corrector plate**” and then asserts that Cheysson et al. disclose an image corrector plate (i.e., holographic plate). Applicants submit that while Cheysson does

teach a holographic plate, such a plate corrects for "aberrations" (see column 4, lines 25-28) in a reflection mode but not for the combination of optical parameters as claimed by the Applicant. In particular, Applicant's plate "optimizes two or more optical parameters selected from: chromatic dispersion, predetermined phase perturbation, and eyebox projector optimization" as shown in amended claim 1. Applicant teaches such a combination limitation in the first sentence of paragraph [00023], page 9, wherein Applicant states, "The image correcting plate can be designed to be a combination of a zonal plate corrector to correct for chromatic dispersion of the Fresnel lenses, a conjugation corrector to invert phase perturbations produced by the Fresnel lenses, and an eyebox projector to reproduce a viewing window at a predetermined optical eyezone or any combination of the above." Thus Applicant teaches "an image corrector plate" that is capable of optimizing a combination of optical parameters such as, for example, eyebox projection, which is **not** an aberration (i.e., a flaw) that is not disclosed or suggested in either reference and thus not in the combination of references.

Accordingly, because Ezra et al. alone or in combination with Cheysson et al. does not disclose or suggest every limitation to warrant an obviousness rejection rejection as mandated under MPEP §2142 and MPEP §2143.03 as set forth above, Applicant submits that the rejection of independent claim 1 under 35 U.S.C. §103(a) is deemed improper and is requested to be removed.

Regarding dependent claims 5-6, and 8-11, such claims directly depend from claim 1 and thus contain all the limitations of claim 1.

Under MPEP §2143.01, "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Accordingly, in light of the amendment to claim 1 and the comments above, Applicant submits that the rejection of claims 5-6, and 8-11 is also deemed improper and is requested to be removed.

Rejection of claim 2 under 35 U.S.C. §103(a)

As set forth above, claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ezra et al. (U.S. Patent No. 5,703,717) in view of Cheysson et al. (U.S. Patent No. 4,874,214) and further in view of Mantradavi et al. (U.S. Patent No. 5,206,499). Applicant must traverse such a rejection.

Under MPEP §2143.03:

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

Applicant submits that neither Ezra et al., Cheysson et al. nor Mantradavi et al disclose or suggest alone or in combination, the amended limitations of claim 1 as mandated under *In re Royka* and thus an obviousness rejection of claim would not be warranted based on such references. Moreover, claim 2 directly depends from the amended claim 1 and thus contains all of the limitations of the base claim. Thus it necessarily follows that an obvious rejection of claim 2 is also not warranted based on *In re Royka*.

In addition:

Under MPEP §2143.01, "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Accordingly, Applicant respectfully submits that the rejection of claim 2 is deemed improper as mandated under *In re Royka* and MPEP §2143.01 and should be removed.

Rejection of claims 3 and 4 under 35 U.S.C. §103(a)

As set forth above, claims 3-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ezra et al. (U.S. Patent No. 5,703,717) in view of Cheysson et al. (U.S. Patent No. 4,874,214) as applied to claims 1, 5-6 and 8-11, and further in view of Biles et al. (U.S. Patent No. 5,355,188). Applicant again must traverse such a rejection.

Under MPEP §2143.03:

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

Similar to the reasoning for the rejection of claim 2 under 35 U.S.C. §103(a), Applicant submits that neither Ezra et al., Cheysson et al. and/or Biles et al disclose or suggest alone or in combination, the amended limitations of claim 1 as mandated under *In re Royka* and thus an obviousness rejection of claim 1 is not warranted based on such references. Once again, claims 3-4 directly depend from the amended claim 1 and thus

contains all of the limitations of the base claim. Thus it necessarily follows that an obvious rejection of claims **3-4** is also not warranted based on *In re* Royka.

In addition:

Under MPEP §2143.01, "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." *In re* Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Accordingly, in light of the amendment to claim 1, Applicant respectfully submits that the rejection of claims **3-4** is also deemed improper as mandated under *In re* Royka and MPEP §2143.01 and should be removed.

Allowable Subject Matter

Claims **12-18** and **20-24** are deemed allowed by the Examiner.

Conclusion


In light of the amendment to claim 1 and the comments set forth above, Applicants respectfully request allowance of the pending claims. Thus, this application is deemed to be in condition for allowance based on remaining pending claims 1-6, 8-18, and 20-24.

In the event that the Examiner finds any remaining impediment to the prompt allowance of these claims that can be clarified with a telephone conference, she is respectfully requested to initiate the same with the undersigned at (925) 422-3682.

Respectfully submitted,

Dated: _____

6/6/06



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Enclosure: Petition and Fee for Extension of Time